

Notice of Allowability

Application No.

10/001,761

Examiner

Sean Reilly

Applicant(s)

AMON ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/3/06.
2. ☒ The allowed claim(s) is/are 1-5, 12, 16, 21, 27, 32 and 34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 3/24/06.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 3/24/2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Dany G. Dinh
Primary Examiner

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for the following claim amendments in this examiner's amendment was given in a telephone interview with Neal Cohen and Valerie Sarigumba on March 24, 2006.

The application has been amended as follows:

IN THE CLAIMS:

1. Claims 6, 13-15, 17-20, 22-26, 28-31, and 33 are **cancelled**.
2. **Replace** claim 1 with the following:
 1. A method of delivering information across a computer network, comprising the steps of:
receiving a request from a client program for user-selected information; and
transmitting one of (a) only a provider-selected commercially-sponsored message to the client program for display, in response to the request, if no provider-selected commercially-sponsored message meeting a provider-selected criteria has been previously transmitted to the client program, or (b) only the user-selected information to the client program for display, if a provider-selected commercially-sponsored message meeting the provider-selected criteria has been previously transmitted to the client program;

wherein any provider-selected commercially-sponsored message meeting the provider-selected criteria comprises HTML and javascript which causes the provider-selected commercially-sponsored message meeting the provider-selected criteria to be displayed for a limited time period when it is transmitted, after which the client program automatically requests the user-selected information.

3. **Replace** claim 2 with the following:
2. An apparatus for delivering information across a computer network, comprising:
 - a computer network; and
 - an information server for receiving a request for user-selected information from a client program;
 - the server configured to transmit one of (a) only a provider-selected commercially-sponsored message to the client program for display, in response to the request, if no provider-selected commercially-sponsored message meeting a provider-selected criteria has been previously transmitted to the client program, or (b) only the user-selected information to the client program for display, if a provider-selected commercially-sponsored message meeting the provider-selected criteria has been previously transmitted to the client program;
 - wherein any provider-selected commercially-sponsored message meeting the provider-selected criteria comprises HTML and javascript which causes the provider-selected commercially-sponsored message meeting the provider-selected criteria to be displayed for a limited time period when it is transmitted by the server, after which the client program automatically requests the user-selected information from the server.

4. **Replace** claim 3 with the following:
3. A method of delivering information across a computer network, comprising the steps of:
- receiving a request from a client program for user-selected information; and
 - transmitting one of (a) only a provider-selected commercially-sponsored message to the client program for display, in response to the request, if no provider-selected commercially-sponsored message meeting a provider-selected criteria has been previously transmitted to the client program within at least one provider-selected interval, or (b) only the user-selected information to the client program for display, if a provider-selected commercially-sponsored message meeting the provider-selected criteria has been previously transmitted to the client program within at least one provider-selected interval;
- wherein any provider-selected commercially-sponsored message meeting the provider-selected criteria comprises HTML and javascript which causes the provider-selected commercially-sponsored message meeting the provider-selected criteria to be displayed for a limited time period when it is transmitted, after which the client program automatically requests the user-selected information.

5. **Replace** claim 4 with the following:
4. An apparatus for delivering information across a computer network, comprising:
- a computer network; and
 - an information server for receiving a request for user-selected information from a client program;

the server configured to transmit one of (a) only a provider-selected commercially-sponsored message to the client program for display, in response to the request, if no provider-selected commercially-sponsored message meeting a provider-selected criteria has been previously transmitted to the client program within at least one provider-selected interval, or (b) only the user-selected information to the client program for display, if a provider-selected commercially-sponsored message meeting the provider-selected criteria has been previously transmitted to the client program within at least one provider-selected interval;

wherein any provider-selected commercially-sponsored message meeting the provider-selected criteria comprises HTML and javascript which causes the provider-selected commercially-sponsored message meeting the providers-selected criteria to be displayed for a limited time period when it is transmitted by the server, after which the client program automatically requests the user-selected information from the server.

6. **Replace** claim 32 with the following:

32. A method of delivering information across a computer network, comprising the steps of:

receiving a request from a client program for user-selected information; and

transmitting one of (a) only a provider-selected commercially-sponsored message to the client program for display in a browser window associated with the client program, in response to the request, if no provider-selected commercially-sponsored message meeting a provider-selected criteria has been previously transmitted to the client program, or (b) only the user-selected information to the client program for display in a browser window associated with the

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client program, if a provider-selected commercially-sponsored message meeting the provider-selected criteria has been previously transmitted to the client program;

wherein any provider-selected commercially-sponsored message meeting the provider-selected criteria comprises HTML and javascript which causes the provider-selected commercially-sponsored message meeting the provider-selected criteria to be displayed for a limited time period when it is transmitted, after which the client program automatically requests the user-selected information.

7. **Replace** claim 34 with the following:

34. The method of claim 32, further comprising the step of transmitting the user-selected information to the client program if the provider-selected commercially-sponsored message meeting the provider-selected criteria has been previously transmitted to the client program within at least one provider-selected interval.

Drawings

The drawings are objected to because the components 201-203 and 205 of figure 2 are not labeled in such a way that one of ordinary skill in the art could determine the functionality or scope of the invention without referring to the specification. These components must be labeled with meaningful language in response to this objection. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure

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or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Allowable Subject Matter

Claims 1-5, 12, 16, 21, 27, 32, and 34, submitted by Applicant on March 3, 2006 and modified by the above Examiner’s amendment are allowed.

The following is an Examiner’s statement of reasons for allowance:

The above Examiner’s amendment is meant to clarify the meaning of the claims such that one of ordinary skill in the art can clearly identify the metes and bounds of the claimed invention. In particular the ambiguous term “qualifying” has been replaced with the language “meeting a provider-selected criteria.”

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The Affidavits and arguments filed under 37 CFR 1.131 have been considered and are effective to establish a reduction to practice date of September 5, 1996, for the allowed claims.

With regard to the independent claims, the prior art of record does not disclose a method or system as claimed, that transmits in response to a request for information 1) only the requested information or 2) only a commercially sponsored message depending on whether or not a commercially sponsored message meeting a provider-selected criteria has been previously transmitted to the requestor. Wherein all previously transmitted (the case of point #1 above) and all transmitted (the case of point #2 above) commercially sponsored messages meeting a provider-selected criteria must contain HTML and javascript that cause the commercially-sponsored message to be displayed for a limited time period when it is transmitted, after which the previously requested information is re-requested.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

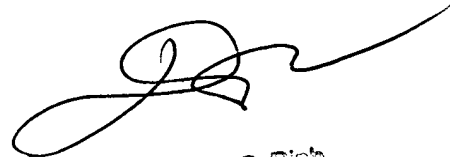
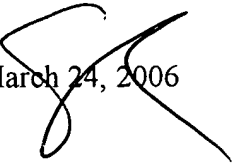
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Reilly whose telephone number is 571-272-4228. The examiner can normally be reached on M-F 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 24, 2006



Diana G. Blah
Patent Examiner